

Friday, May 13<sup>th</sup>, 2011

From:

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To:

Jim Bird, Senior Counsel,

Neil Dellar,

Virginia (Ginny) Metallo and

Joel Rabinovitz.

Federal Communications Commission

Attn: The OGC Transaction Team

445 12th Street, SW

Washington, DC 20554

Cc via E-mail:

Julius Genachowski, FCC Chairperson (D),

Michael J. Copps, FCC Commissioner (D),

Robert M. McDowell, FCC Commissioner (R),

Mignon Clyburn, FCC Commissioner (D),

Meredith Attwell Baker, FCC Commissioner (R)

Christine Varney,

Antitrust Division's Assistant Attorney General

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

Cc via E-mail:

United States Attorney General Eric Holder

Dear Sir(s) and Madam(s):

I do not normally write these types of letters, so please excuse me for its late arrival and possible rambling.

Around roughly 2002, our family wanted to get a cell phone. I researched how much the various national I phone companies charged on a per-minute basis, and decided to go with Sprint. On more occasions than I could keep track of, I regretted that choice. First and foremost, because the customer service people at Sprint lied to me. Even when they did not lie, the customer service still left much to be desired. Finally, when I wanted to take my phone with me to Europe, I found out that the CDMA technology that Sprint (and Verizon) used was useless to "Roam" with in every country I was interested in visiting. *GSM was the standard that I needed.*

After Local Number Portability came into effect in late November 2003, we began researching the other carriers. In late 2004, we decided to move our Sprint phone over to T-Mobile and open up a new line with AT&T. This began our one-year side-by-side comparison of AT&T versus T-Mobile, from October 2<sup>nd</sup>, 2004 to November 30<sup>th</sup>, 2005.

We found that the roaming rates for going to Europe were comparable or better with T-Mobile on our trips to Europe. The customer service was better with T-Mobile. Most importantly, the signal quality was BETTER with T-Mobile. As a result, I moved my phone over to T-Mobile. Since then, we have added another cell phone for my mother and TWO of the "@ Home" VOIP-phone lines (that T-Mobile no longer offers to new customers). We also have use of the UMA service (Unlicensed Mobile Access) that provides more signal (and in our case free minutes) via a Wi-Fi signal.

VOIP phone lines, UMA Access, Android Operating System phones, human beings on the customer service phone lines that treat you with respect, and the lowest cost on a per-minute basis,  
...These are features you have not and will not see at AT&T.

***I am adamantly opposed to AT&T's purchase of T-Mobile, and urge you to reject this purchase.***

I can not see how the Justice Department can conclude that the Sherman and/or Clayton Anti-Trust acts are not being violated by concentrating the U.S. Nation-wide cell phone carrier industry into three companies. But even if Justice can make that argument, there is another angle to consider: The important issue is not simply the number of national carriers, it's also the *number of GSM Carriers*, (i.e.: the Global System for Mobile communications).

The CDMA technology that Sprint and Verizon use is essentially not compatible with international roaming. We keep hearing the phrase “the world in becoming a smaller place”. This phrase is relevant to this corporate purchase. If there is only one GSM carrier in the US, that company by definition IS a MONOPOLY in regards to the most commonly used system in the world. This situation must not be allowed.

AT&T has claimed that it does not have the spectrum to handle the iPhone and similar data intensive mobile devices. So. What. I understand that AT&T has not fully built out its own network for the radio spectrum it already owns leases on. (The FCC's own records should verify if my information is correct or not.) AT&T does not deserve to be rewarded for not building out its own network. A purchase of T-Mobile will not only provide it with an undeserved short-cut, but it will also deprive customers of a GSM competitor.

T-Mobile now owns a great deal of the US' leases on the alternate GSM spectrum that is called AWS or Advanced Wireless Services (also known as AWS-1 or [UMTS band IV](#)). Sprint also uses these frequencies. Allowing T-Mobile to be bought out, but selling these frequencies to Sprint is not a viable option, as it still has the same problem of leaving AT&T as the monopoly on GSM cell phones.  
*Again, this sale is NOT fixable.*

***Competition in the GSM standard is the key, NOT just a duopoly or triopoly without a concern for the underlying technology used.***

***I ASK YOU TO STOP THE PURCHASE OF T-MOBILE BY AT&T.***

Sincerely yours,

Leif Pihl

Post Script:

It has recently come to my attention that CenturyLink, with the recent purchase of Qwest (formerly the Baby Bell of “U.S. West”) is now the nation's third largest Baby Bell. I've also heard speculation that it may be in the market to purchase a cell phone carrier. I don't like where this is going. As much as I dislike saying it: It would be *less-worst* for CenturyLink to purchase T-Mobile IF they would commit to keeping the GSM standard instead of the CDMA standard. In other words, if CenturyLink should also purchase Sprint, CenturyLink should be committed to maintaining and growing the GSM standard over Sprint's modified CSMA standard. But this is a side issuer for another day.